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4 BILL NO. S-74-06-05

5 SPECIAL ORDINANCE NO. S- 9474

6 AN ORDINANCE approving an agreement with
7 ARLINGTON INVESTMENT CORPORATION for
8 paving Trick Avenue

9 BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT
10 WAYNE, INDIANA:

11 SECTION 1. The agreement dated May 20, 1974 between the City of
12 Fort Wayne, by and through its Mayor and the Board of Public Works and ARLING-
13 TON INVESTMENT CORPORATION, for the improvement of Trick Avenue, as
14 follows:
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16 From the east line of Hampton Avenue to the
17 west line of Sherman Boulevard
18 for a cost to the City of \$13,000.00, all as more particularly set forth in said Agree-
19 ment, which is on file in the Office of the Board of Public Works, and is by reference
20 incorporated herein and made a part hereof, is hereby in all things ratified, con-
21 firmed and approved.

22 SECTION 2. This Ordinance shall be in full force and effect from and
23 after its passage and approval by the Mayor.

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25 
26 Councilman

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28 APPROVED AS TO FORM
29 AND LEGALITY
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31 CITY ATTORNEY
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Read the first time in full and on motion by Ingold, seconded by Stier, and duly adopted, read the second time by title and referred to the Committee on Finance (and the City Plan Commission for recommendation) and Public Hearing to be held after due legal notice, at the Council Chambers, City-County Building, Fort Wayne, Indiana, on _____, the _____ day of _____, 197____, at _____ o'clock P.M., E.S.T.

Date: 6-11-74.

Charles W. Winterman
CITY CLERK

Read the third time in full and on motion by Ingold, seconded by Stier, and duly adopted, placed on its passage.

Passed (LOST) by the following vote:

	AYES <u>9</u>	NAYS <u>0</u>	ABSTAINED _____	ABSENT _____ to-wit:
BURNS	<u>X</u>	_____	_____	_____
HINGA	<u>X</u>	_____	_____	_____
KRAUS	<u>X</u>	_____	_____	_____
MOSES	<u>X</u>	_____	_____	_____
NUCKOLS	<u>X</u>	_____	_____	_____
SCHMIDT, D.	<u>X</u>	_____	_____	_____
SCHMIDT, V.	<u>X</u>	_____	_____	_____
STIER	<u>X</u>	_____	_____	_____
TALARICO	<u>X</u>	_____	_____	_____

DATE: 7-9-74

Charles W. Winterman
CITY CLERK

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana, as (Zoning Map) (General) (Annexation) (Special) (Appropriation) Ordinance (Resolution) No. 8-94-74 on the 9th day of July, 1974.

ATTEST: (SEAL)

Charles W. Winterman
CITY CLERK

Samuel J. Talarico
PRESIDING OFFICER

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 10th day of July, 1974, at the hour of 11:00 o'clock A M., E.S.T.

Charles W. Winterman
CITY CLERK

Approved and signed by me this 10th day of July, 1974, at the hour of 4:00 o'clock P M., E.S.T.

Don H. Lehart
MAYOR

Bill No. S-74-06-05

REPORT OF THE COMMITTEE ON FINANCE

We, your Committee on Finance to whom was referred an Ordinance
approving an agreement with ARLINGTON INVESTMENT CORPORATION for
paving Trick Avenue

have had said Ordinance under consideration and beg leave to report back to the Common
Council that said Ordinance DO PASS.

William T. Hinga - Chairman

John Nuckols - Vice-Chairman

James S. Stier

Winfield C. Moses, Jr.

Paul "Mike" Burns

DATE 7-9-74 CONCURRED IN
CHARLES W. WESTERMAN, CITY CLERK

60-339-7 7/22/74

AGREEMENT

THIS AGREEMENT, made this 20th day of May, 1974, by and between Arlington Investment Corporation, hereinafter referred to as "Developer", and the Board of Public Works of the City of Fort Wayne, hereinafter referred to as "Board",

WHEREAS, Developer is developing an addition commonly referred to as Seneca Hills, located west of Sherman and south of Coliseum Boulevard West, and

WHEREAS, Trick Avenue was platted from Sherman Boulevard west to the beginning of said Seneca Hills development, and

WHEREAS, Trick Avenue was never improved with a standard pavement meeting City Standards, and is in very poor condition, and

WHEREAS, an attempt was made to improve said street under the Barrett Law system, however, those abutting resident property owners who front on other streets objected to said improvement on the basis of proposed assessments, and therefore, all action was rescinded on the proposal, and

WHEREAS, Developer is desirous of having said street improved to eliminate dust and complaints from property owners due to traffic into said development, and

WHEREAS, Developer has accepted bids on said improvement and Wayne Asphalt was the lowest bidder,

NOW, THEREFORE, it is mutually agreed by the parties hereto:

1. Developer shall award a contract to Wayne Asphalt for the improvement of Trick Avenue from the east line of Hampton Avenue to the west line of Sherman Boulevard in accordance with the engineering plans and profiles as prepared by the Street Engineering Department, sheets numbered 1 through 3 dated July 5, 1972 and approved July 7, 1972.

2. City will pay Developer the sum of \$13,000.00 upon completion and acceptance of the improvement by the Board on Trick Avenue from Hampton to Sherman.
3. Developer assumes and agrees to pay Wayne Asphalt for the cost of said improvement.
4. City shall provide necessary line, grade and inspection for said improvement at no cost to Developer.
5. Developer agrees to hold the City harmless from liability on any claim or injury arising during the course of said improvement.

EXECUTED the day and month first written above.

"BOARD"

City of Fort Wayne
BOARD OF PUBLIC WORKS



"DEVELOPER"

ARLINGTON INVESTMENT CORPORATION



DIGEST SHEET

8-74-06-05

TITLE OF ORDINANCE: Agreement with Arlington Investment CorporationDEPARTMENT REQUESTING ORDINANCE: Board of Public Works

SYNOPSIS OF ORDINANCE: In 1972 the Board held public hearings on the paving of
Trick Avenue. The majority of property owners remonstrated the project out
even though the City was going to pay a considerable share of the improvement.
Arlington Investment Corporation has a development running off Trick Avenue
and has offered to improve the street if the City will participate in the cost.
They have accepted a bid of Wayne Asphalt & Construction in the amount of
\$28,292.00. The City, through approval of the Agreement set forth in this
Ordinance, will pay a share of the improvement.

EFFECT OF PASSAGE: Paving of Trick Avenue from Hampton Avenue to Sherman Blvd.EFFECT OF NON-PASSAGE: No improvement.

MONEY INVOLVED (Direct Costs, Expenditures, Savings): _____
Cost of \$13,000 to City from Other Street Improvement Account 1973.

ASSIGNED TO COMMITTEE (J.N.): Finance